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## LCR 4

**(a) Case Schedule.** Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule"). When an initial pleading is filed electronically the Clerk will provide an electronic copy to the party filing the initial pleading. When an initial pleading is filed in paper form the Clerk will provide two copies to the party filing the initial pleading.

**(b) Cases not governed by a Case Schedule.** Unless otherwise ordered by the Court, the following cases will not be issued a Case Schedule on filing:

- (1) Change of name;
- (2) Domestic violence (RCW chapter 26.50);
- (3) Harassment (RCW chapter 10.14);
- (4) Uniform Reciprocal Enforcement of Support Act (URESAs) and Uniform Interstate Family Support Act (UIFSA);
- (5) Small Claims Appeals;
- (6) Unlawful detainer;
- (7) Foreign judgment;
- (8) Abstract or transcript of judgment;
- (9) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
- (10) Civil commitment;
- (11) Proceedings under RCW chapter 10.77;
- (12) Proceedings under RCW chapter 70.96A;
- (13) Proceedings for isolation and quarantine;
- (14) Asbestos cases;
- (15) Vulnerable adult protection.
- (16) Proceedings referred to referee under RCW 4.48. See LCR 53.1.

**(c) Service of Case Schedule on Other Parties.**

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later of the filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion. The Case Schedule may be served by regular mail, or electronically when the party being served has agreed to accept electronic service pursuant to GR30.2 (d), with proof of service to be filed promptly in the form required by CR 5.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

**(d) Amendment of Case Schedule.** The Court, either on motion of a party or on its own initiative, may modify any date in the Case Schedule for good cause, except that the trial date may be changed only as provided in LR 40(e). If a party by motion requests an amendment of the Case Schedule, that party shall prepare and present to the Court for signature an Amended Case Schedule, which upon approval of the Court shall be promptly filed and served on all other parties. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Court will prepare and file the Amended Case Schedule and promptly issue it to all parties. Parties may not amend a Case Schedule by stipulation without approval of the assigned Judge.

**(e) Form of Case Schedule.**

(1) Case Schedule. A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the Court by General Order, based upon relevant factors including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) A Case Schedule, which will be customized for each type of case, will be in generally the following form:

Filing:..... 0

Confirmation of Joinder (LCR 4.2(a) for civil cases); or	
Confirmation of Issues (LFLR 4(c) for dissolution and modification cases); or	
Confirmation of Completion of Genetic Testing (LFLR 4(d) for paternity cases):	
.....	F+23
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing (LMAR 2.1) .....	F+23
Status Conference, if needed (Domestic Relations cases only-see	
LFLR 4(e)):	F+25
Disclosure of Possible Primary Witnesses (LCR 26(b)):	T - 22
Disclosure of Possible Additional Witnesses (LCR 26(b)):	T - 16
Final Date to Change Trial and to File Jury Demand (non-family law civil cases)	
(LCR 40(a)(3), 38(b)(2)):	T - 14
Discovery Cutoff (LCR 37(g)):	T - 7
Deadline for Engaging in Alternative Dispute Resolution .....	T - 4
Deadline for filing "Joint Confirmation Regarding Trial	
Readiness" (LCR 16): .....	T - 3
Exchange of Witness and Exhibit Lists and Documentary Exhibits	
(LCR 4(j)):	T - 3
Deadline for Hearing Dispositive Pretrial Motions	
(LCR 56, CR 56): .....	T - 2
Deadline for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury	
Instructions: .....	T - 1
Joint Statement of Evidence (LCR 4(k)):	T - 1
Trial: .....	T

It is ORDERED that all parties shall comply with the foregoing schedule and that sanctions, including but not limited to those set forth in CR 37, may be imposed for noncompliance. It is FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule on all other parties.

Dated: \_\_\_\_\_  
Judge

I understand that a copy of this document must be given to all parties: \_\_\_\_\_  
 (Signature)

Note: a number in the right column preceded by an "F" refers to the number of weeks after filing; a number in the right column preceded by a "T" refers to the number of weeks before trial.

**(f) Monitoring.** At such times as the Presiding Judge may direct, the Clerk will monitor cases to determine compliance with these rules.

**(g) Enforcement; Sanctions; Dismissal; Terms.**

(1) Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(2) The Court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(4) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

**(h) Failure to Follow Schedule.** The court may enter an order of dismissal without prejudice and without further notice for failure to attend a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause issued for failure to appear for a status conference. In family law cases where the parties have agreed upon a final disposition, the dismissal may be set aside by an Ex Parte Commissioner.

**(i) Failure to Appear on Scheduled Trial Date**

(1) The failure of a party seeking affirmative relief or asserting an affirmative defense to appear for trial on the scheduled trial date will result in dismissal of the claims or affirmative defenses without further notice.

(2) If the party against whom claims are asserted fails to appear, the party seeking relief must proceed with the trial on the record. Unless final orders are entered at the time of trial, the party shall file their proposed final documents within thirty days of the trial decision.

**(j) Exchange of Witness and Exhibit Lists.** In cases governed by a Case Schedule pursuant to LCR 4, the parties shall exchange, no later than 21 days before the scheduled trial date: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits, except for those to be used only for illustrative purposes. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties no later than 14 days before trial. Any witness or exhibit not listed may not be used at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires. See LCR 26 (witness disclosure requirements.)

**(k) Joint Statement of Evidence.** In cases governed by a Case Schedule pursuant to LCR 4 the parties shall file, no later than 5 court days before the scheduled trial date, a Joint Statement of Evidence, so entitled, containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity or admissibility.

**(l) Non-dispositive Pretrial Motions.** All non-dispositive pretrial motions and supporting materials, including but not limited to motions to exclude evidence, shall be served and filed pursuant to the requirements of LCR 7(b). Responsive documents shall also be served and filed pursuant to the requirements of LCR 7(b). In addition, working copies of all motion documents shall be provided pursuant to the requirements of LCR 7(b).

**(m) Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions.** Except as otherwise ordered by the Court, parties shall serve copies of the trial brief or memorandum of authorities, proposed findings of fact and conclusions of law in non-jury cases, and proposed jury instructions for jury cases, upon opposing parties, with a working copy submitted to the assigned Judge, no later than five court days before the scheduled trial date.

### **Official Comment**

1. Time Standards. The Court has adopted the following time standards for the timely disposition of cases. In view of the backlog of cases and the scarcity of judicial resources, it may take some time before these standards can be met.

(a) General Civil. Ninety percent of all civil cases should be settled, tried, or otherwise concluded within 12 months of the date of case filing; 98 percent within 18 months of filing; and the remainder within 24 months of filing, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(b) Summary Civil. Proceedings using summary hearing procedures, such as those landlord-tenant and replevin actions not requiring full trials, should be concluded within 30 days of filing.

(c) Family Law. Ninety percent of all family law matters should be settled, tried, or otherwise concluded within nine months of the date of case filing, with custody cases given priority; 98 percent within 12 months and 100 percent within 15 months, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(d) Criminal and Juvenile. Criminal and juvenile cases should be heard within the times prescribed by CrR 3.3 or CrRLJ 7.8.

2. Case Schedule. The term "plaintiff" throughout these rules is intended to include a "petitioner" if that is the correct term for the party initiating the action.

If there is more than one plaintiff, it is the responsibility of each plaintiff to see that the Case Schedule is properly served upon each defendant. This does not mean that multiple copies of the Case Schedule must be served upon each defendant, only that every plaintiff will be held accountable for a failure to serve a copy of the Case Schedule upon a defendant. Multiple plaintiffs should decide among themselves who will serve the Case Schedule upon each defendant.

3. Attorneys and parties are expected to exercise good faith in complying with this rule – for example, by not listing a witness or exhibit that the attorney or party does not actually expect to use at trial.

4. A party wishing to present the testimony of a witness who has been listed by another party may not rely on the listing party to obtain the witness's attendance at trial. Instead, a subpoena should be served on the witness, unless the party is willing to risk the witness's failure to appear.

5. All witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is for witnesses the need for whose testimony cannot reasonably be anticipated before trial; such witnesses obviously cannot be listed ahead of time.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2004; September 1, 2008; June 1, 2009; September 1, 2010.]

## LCR 26

### LCR 26. Disclosure of Possible Lay and Expert Witnesses and Scope of Protective Order.

**(a) Scope.** This rule shall apply to all cases governed by a Case Schedule pursuant to LCR 4.

**(b) Disclosure of Primary Witnesses. Required Disclosures**

(1) Disclosure of Primary Witnesses: Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

(2) Disclosure of Additional Witnesses: Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(3) Scope of Disclosure: Disclosure of witnesses under this rule shall include the following information:

(A) All Witnesses. Name, address, and phone number.

(B) Lay Witnesses. A brief description of the witness's relevant knowledge.

(C) Experts. A summary of the expert's opinions and the basis therefore and a brief description of the expert's qualifications.

(4) Exclusion of Testimony. Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

**(c) Motions to Seal.** A motion to seal must be made separately and cannot be submitted as part of a protective order. When the court has entered an order permitting a document to be filed under seal, the filing party must comply with the requirements of LCR 79(d)(6) and (7).

Comment: See LCR 77 and LFLR 11 for procedures relevant to motions to seal.

**(d) Discovery Limits.**

(1) Interrogatories.

(A) Cases With Court-Approved Pattern Interrogatories. In cases where a party has propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 15 interrogatories, including all discrete subparts, in addition to the pattern interrogatories.

(B) Cases Without Court-Approved Pattern Interrogatories. In cases where a party has not propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 40 interrogatories, including all discrete subparts.

(2) Depositions. A party may take no more than 10 depositions, with each deposition limited to one day of seven hours; provided, that each party may conduct one deposition that shall be limited to two days and seven hours per day.

(3) Requests for Admission. A party may serve no more than 25 requests for admission upon any other party in addition to requests for admission propounded to authenticate documents.

(4) Modification.

(A) Stipulation of the parties: These limitations may be increased or decreased by written stipulation of the parties based on the scope of the legal and factual issues presented. Nothing in this rule precludes the parties from engaging in the informal exchange of information in lieu of formal discovery. The parties may establish a written timetable for discovery and develop a discovery plan that will facilitate the economical and efficient resolution of the case. Such plan need not be submitted to the court for approval.

(B) Court order: If the parties do not agree that discovery in excess of that provided by these rules is necessary, a party may file a motion to submit additional discovery pursuant to LCR 7(b). The proposed order shall include details of what additional discovery is required. A certificate of compliance as required by LCR 37(f) shall be filed with the motion.

(5) Discovery requests in violation of rule

(A) Unless authorized by order of court or written stipulation, a party may not serve requests for admission or interrogatories or note depositions except as authorized by this rule.

(B) Absent a court order or stipulation altering the scope of discovery, the party served with interrogatories or requests for admission in violation of this rule shall be required to respond only to

those requests, in numerical order, that comply with LCR 26(d). No motion for protective order is required. The party shall indicate in the answer section of the Interrogatories or Requests for Admission that the party is refusing to respond to the remaining questions because they exceed the discovery limits.

(C) Absent a court order or stipulation altering the scope of discovery, a party served with a notice of deposition in violation of this rule shall inform all parties to the case that he or she will not be attending the deposition. This notification shall occur as soon as possible and, absent extraordinary circumstances, shall not be later than 24 hours before the scheduled deposition. Notice shall be in writing and shall be provided in the manner that is most likely to provide actual notice of the objection. Fax or e-mail notification is permitted, provided (1) the parties have previously agreed to receive pleadings in this manner or (2) the objecting party also provides telephonic notification.

(6) These discovery limitations do not apply to family law proceedings as defined by LFLR 1, supplemental proceedings undertaken pursuant to LCR 69(b) or other post-judgment proceedings.

**(e) Discovery Not Limited.** This rule does not modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 2001; September 1, 2003; September 1, 2005, September 1, 2007; September 1, 2008, September 1, 2010.]

#### Official Comment

This rule does not require a party to disclose which persons the party intends to call as witnesses at trial, only those whom the party might call as witnesses. Cf. LCR ~~4(i)(4)(a)(3)(A)~~ (requiring the parties, not later than 21 days before trial, to exchange lists of witnesses whom each party "expects to call" at trial) and Official Comment to LCR ~~446~~. All witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is when the party calling a witness could not reasonably anticipate needing that witness before trial.

This rule sets a minimum level of disclosure that will be required in all cases, even if one or more parties have not formally requested such disclosure in written discovery. The rule is not intended to serve as a substitute for the discovery procedures that are available under the civil rules to preclude or inhibit the use of those procedures. Indeed, in section ~~(e)(f)~~ the rule specifically provides to the contrary.

## LCR 37

### LCR 37. FAILURE TO MAKE DISCOVERY; SANCTIONS

**(a)-(c) [Reserved].**

**(d) Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Production or Inspection.** If a party or an officer, director, or managing agent of a party or a person designated under rule 30(b)(6) or 31(a) to testify on behalf of a party fails (1) to appear before the officer who is to take his or her deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under rule 33, after proper service of the interrogatories, or (3) to serve a written response to a request for production of documents or inspection submitted under CR 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others, it may take any action authorized under CR 37. In lieu of any order or in addition thereto, the court shall require the party failing to act or the attorney advising the party or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

The failure to act described in this subsection may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by CR 26(c). For purposes of this section, an evasive or misleading answer is to be treated as a failure to answer.

~~**(e) Conference of Counsel.** See CR 26(i). The court will not entertain any motion or objection with respect to Civil Rules 26 through 37, unless it affirmatively appears that counsel have met and conferred with respect thereto. Counsel for the moving or objecting party shall arrange such a conference. If the court finds that counsel for any party, upon whom a motion or objection in respect to matters covered by such rules is served, willfully refuses to meet and confer, or having met, willfully refuses or fails to confer in good faith, the court may take appropriate action to encourage future good faith compliance.~~

~~**(f) Certificate of Compliance.** See CR 26(i). At the time of noting motion or objection for consideration, counsel for the moving or objecting party shall serve and file a certificate of compliance with this rule and enumerate therein the matters remaining for disposition by the Court.~~

**(g) Completion of Discovery.** Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed no later than 49 calendar days before the assigned trial date (provided that deadlines shall be 28 days in all parentage cases and 35 days in all other family law proceedings as defined in LFLR 1). Discovery requests must be served early enough that responses will be due and depositions will have been taken by the cutoff date. Discovery requests that do not comply with this rule will not be enforced. ~~, absent a written agreement of all parties, and the parties shall not enter into such an agreement if it is likely to affect the trial date.~~ Nothing in this rule shall modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.

[Adopted effective January 1, 1983; amended effective September 1, 1986; January 1, 1990; September 1, 1992; September 1, 1999; September 1, 2001; September 1, 2007; September 1, 2008; September 1, 2010.]

#### Official Comment

Paragraph (d) of this rule requires a party who disagrees with the scope of production, or who wishes not to respond to seek a protective order consistent with CR 37(d); a party may not withhold discoverable materials. *Physicians Insurance Exchange v. Fisons Corp.*, 122 Wn.2d 299 (1993) at 353 and 354; *Johnson v. Mermis*, 91 Wash. App. 127, at 133 (1998); *Pamelin Industries v. Sheen-USA, Inc.*, 95 Wn.2d



398 (1981). If a responding party does not fully respond and/or interposes objections, and if the responding party does not seek a protective order or obtain the agreement of the party seeking the discovery to narrow the requested discovery, upon motion, the Court will ordinarily impose sanctions for such failure. If the requested relief is sanctions, a motion to compel is not a prerequisite. See Fisons, supra, at 345.

~~[Rule 37(g)] If the parties agree in writing to permit discovery after the discovery cutoff, and it later becomes necessary to continue the trial date as a result of such discovery, the Court will ordinarily impose sanctions on one or more of the attorneys or parties. The parties can avoid this risk by moving in advance to extend the discovery cutoff, provided they can show good cause for the extension. See LCR 4(d).~~

If an attorney's or party's lateness in responding to discovery requests makes it necessary for another party to request an extension of the discovery deadlines, the Court should ordinarily impose sanctions on the attorney or party whose responses were late. If the attorney or party requesting extension of the discovery deadlines delayed unreasonably in taking action to enforce its discovery requests, ~~subject to the limitations imposed by paragraph (e) of this rule (pertaining to conference of counsel)~~, the Court may also impose sanctions upon the attorney or party requesting extension of the discovery deadline.

## LCR 40

### LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

~~(a)~~ **Location of Times and Calendars.** See LCR 7(b)(2).

~~(a)(b)~~ **Notice of Trial--Note of Issue.**

(1) **Assignment of case to Judge.** The Clerk at filing will issue for all civil cases, except those noted in LCR 4(b) or 40(a)(b)(2), a trial date and a case schedule, and will assign the case to a judge. Except as provided in LCR 40(a)(b)(2), all motions, trials and other proceedings in a case shall be brought before the assigned judge.

(2) **Cases Not Assigned.** Cases not assigned a case schedule or judge on filing or where initial hearing is not held before the assigned judge:

(A) **Antiharassment Petitions.** See LCR 40.1(b)(2).

(B) **Certificate of Rehabilitation.** These shall be noted with oral argument before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center.

(C) **Family Law Proceedings.** See LFLR 5.

(D) **Frivolous Liens.** If the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge.

(E) **Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors.** See LCR 40.1(b)(2).

(F) **Marriage Age Waiver Petitions.** See LCR 40.1(b)(2) and LFLR 19.

(G) **Mental Illness Proceedings.** The hearings in mental illness proceedings shall be heard on the mental illness calendar.

(H) **Non Compliance Hearings.** Hearings on the return of orders to show cause for failure to comply with the case schedule will be held in the designated courtroom at the Seattle Courthouse, for Seattle case assignment area cases and in the designated courtroom at the Maleng Regional Justice Center for Kent case assignment area cases, before the special master, commissioner or judge hearing that calendar.

(I) **Orders for Protection.** See LCR 40.1(b)(2).

(J) **Receivership Proceedings.** See LCR 40.1(b)(2).

(K) **Small Claims Appeals.** The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

(L) **Status Conference (LFLR 4(e)).** The status conference calendar for all family law cases that require a status conference will be held in the designated courtroom at the Seattle Courthouse for Seattle case assignment area cases and in the designated courtroom at the Maleng Regional Justice Center for Kent case assignment area cases before the special master, commissioner or judge hearing that calendar.

(M) **Supplemental Proceedings.** Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

(N) **Support Modifications (Trials by Affidavit).** See LFLR 14.

(O) **Unlawful Detainer Actions.** See LCR 40.1(b)(2).

(P) **Vulnerable Adult Petitions.** See LCR 40.1(b)(2).

(Q) **Work Permits/Variations for Minors.** Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a Kent assignment.

(R) **Writs.**

(i) Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to and returnable to the senior Judge of the Unified Family Court department at the Maleng Regional Justice Center.

(ii) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

(iii) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. See also LCR 40.1(b)(2)(S).

**(3) Trial Dates.** If a case has not been assigned a trial date, or if the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Regional Justice Center Judge in Kent for cases with a Kent assignment, for assignment of a trial date and a case schedule. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date.

**(4) Motions to Consolidate.** Motions to consolidate cases for trial or other purposes, or to reassign a case to a different judge for reasons of the efficient administration of justice, shall be made in writing to the Chief Civil Judge. Cases without a case schedule or an assigned judge may be consolidated into another case by any judicial officer on the Court's own motion.

**(5) Notice of Trial.** A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

**(b)-(d) [Reserved].**

**(e)(d) Continuances/Change of Trial Date.**

**(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict.** In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

**(2) Change of Trial Date.** A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

**(3) Amended Case Schedule.** When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

**(4) Change of Trial Date on Court's Motion.** The Court on its own initiative may, if necessary, change the trial date.

**(f)(e) Change of Judge.** For affidavits of prejudice see RCW 4.12.050.

**(g)(f) Affidavits--Court Commissioners.** Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2005; September 1, 2006; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010.]

## LCR 40.1

### **(a) Ex Parte and Probate Department.**

#### **(1) Reserved.**

#### **(2) Ex Parte and Probate Department Presentation of Motions and Hearings**

**Manual.** The Ex Parte and Probate Department and probate Presentation of Motions and Hearings Manual ("Motions and Hearings Manual") is issued by the Clerk and shall contain a list of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicate which matters shall be heard in person and which shall be submitted in writing, without oral argument, through the Clerk's office. The Motions and Hearings Manual shall contain specific procedural information on how to present matters through the Clerk's office. The Motions and Hearings Manual shall be made available online at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) and in paper form through the Clerk's office and the Ex Parte and Probate Department.

### **(b) Motions and Other Documents**

**(1) Scope of Rules.** This rule governs all matters presented to the Ex Parte and Probate Department.

**(2) Cases Not Assigned.** Except as provided otherwise in these rules, all motions and proceedings pertaining to cases not assigned a case schedule or judge on filing or where the initial hearing is not held before the assigned judge shall be presented to the Ex Parte and Probate Department. See LCR 40(a)(b)(2). The following cases or motions are heard by the Ex Parte and Probate Department:

**(A) Adoption Proceedings.** Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the Clerk.

**(B) Agreed and Default Family Law Decrees and Modifications.** See LFLR 5.

**(C) Antiharassment Petitions, Orders for Protection and Vulnerable Adult**

#### **Petitions:**

**(i) Antiharassment Petitions.** Applications for temporary antiharassment protection orders shall be presented in the Ex Parte and Probate Department. Hearings on final antiharassment protection orders for Seattle and Kent case assignment area cases shall be set in the temporary order on the antiharassment calendar.

**(ii) Orders for Domestic Violence Protection.** Petitions for temporary orders may be presented in the Ex Parte and Probate Department or at Juvenile Court as to certain dependent children. Permanent domestic violence protection hearings will be set on the domestic violence calendar in the Family Law Department.

**(iii) Sexual Assault Protection Orders.** Applications for temporary sexual assault protection orders shall be presented in the Ex Parte and Probate Department. Hearings on final sexual assault protection orders for Seattle and Kent case assignment area cases shall be set in the temporary order on the antiharassment calendar.

**(iv) Vulnerable Adult Petitions.** Requests for both ex parte temporary orders and final hearings shall be heard in the Ex Parte and Probate Department.

**(D) Emancipation of a Minor.** Petitions for Emancipation of a Minor shall be noted before the Chief UFC Judge, who may refer the matter to Family Court Services for investigation. See also LFLR 18.

**(E) Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors.** All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte and Probate Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk's

office. If the matter is contested, it may be referred by the judicial officer to the Clerk who will issue a trial date and will assign the case to a judge.

**(F) Judgments on Arbitration Awards.** Judgments on Arbitration Awards shall be presented to the Ex Parte and Probate Department with notice to the other parties.

**(G) Marriage Age Waiver Petitions.** These petitions shall be noted before the Chief UFC Judge, who may refer the matter to Family Court Services for investigation. See also LFLR 19.

**(H) Motions for Order to Show Cause.** All Motions for Show Cause shall be presented to the Ex Parte and Probate Department. For cases where the return on the order to show cause is before the assigned trial court, the moving party shall obtain a date for such hearing from the staff of the assigned trial court before presenting to the Ex Parte and Probate Department. See also LCR 7(b)(9). For all cases where the return on the order to show cause is to a calendar, rather than before the assigned judge, the moving party shall select the return date and state the calendar in the proposed order. See also LCR 7(b)(3); LFLR 5.

**(I) Orders Waiving Filing Fees.** In Forma Pauperis Motions where the party is attempting to seek a waiver of the initial filing fee shall be presented to the Ex Parte and Probate Department.

**(J) Orders Waiving Ex Parte Via the Clerk and ECR On-Line fees.** Requests to waive fees for Ex Parte via the Clerk shall be presented to the Clerk. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) See LR 78 regarding the waiver of ECR On-line fees.

**(K) Orders Waiving Other Fees.** Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil Judge. See RAP 15 for waiver of appellate fees and costs.

**(L) Orders to Remove non-ECR Files.** Orders to remove non-ECR files from clerk's office shall be presented to the Ex Parte and Probate Department.

**(M) Orders Vacating a Dismissal.** Orders vacating a dismissal of any civil case combined with a final dispositive order shall be presented to the Ex Parte and Probate Department.

**(N) Receivership Proceedings.** If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte and Probate Department, and be presented in person; contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

**(O) Sealed Files:** See LGR 15, LCR 26(b), LCR 77(i)(11) and LFLR 11.

**(P) Temporary Restraining Orders.** Temporary restraining orders seeking relief pending a hearing on show cause shall be presented to the Ex Parte and Probate Department, and may be presented along with the Motion for Show Cause.

**(Q) Unlawful Detainer Actions.** The orders to show cause, and any agreed orders or orders that do not require notice, shall be obtained by presenting the orders, through the Clerk's office, to the Ex Parte and Probate Department, without oral argument. The initial hearing on order to show cause shall be heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

**(R) Unopposed Matters.** Unopposed matters are to include any agreed order or any order that does not require notice to any other party, interested person or entity and does not require the approval of the assigned judge and is not reserved to any other calendar by any statute, court rule or court order.

**(S) Writs.** For pre-judgment garnishment, attachment, replevin, restitution and assistance writs the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For other writs, see LCR 40(a)(b)(2).

**(3) Assigned Cases.** Although assigned to a judge (IC judge), the following civil matters shall be presented to the Ex Parte and Probate Department except as provided otherwise in these rules or by the Court:

(A) In civil proceedings, including family law proceedings, all agreed orders, judgments and decrees, and any orders that do not require notice to any other party, interested person, or entity, including motions for orders to show cause, provided that the order does not affect the case

schedule, direct the Clerk to seal a document or file, or purport to direct the manner in which another Department or Judge handles a hearing (i.e. a motion to exceed page limits or shorten time), and is not reserved to any other calendar by any statute, court rule, or court order. See LCR 40 and LFLR 5.

(B) Motions to approve or disapprove the settlement of a claim on behalf of an incapacitated adult or minor. See SPR 98.16.

(C) Judgments on arbitration awards. See LMAR 6.3.

(D) Civil and family law emergency restraining orders, including domestic violence, sexual assault, and anti-harassment protection orders where either no notice or shortened notice has been given to the opposing parties.

(E) Any other matters as directed by these rules or the Court.

**(4) Matters Not Presented to the Ex Parte and Probate Department.**

Regardless of the type of motion, the following types of cases are not heard in the Ex Parte and Probate Department except as otherwise directed by the Court: juvenile court proceedings; civil commitment and sexual predator proceedings; criminal matters; and family law matters given a UFS or UFK designation and assigned to an individual judicial officer for intensive case management. See LFLR 5 and the Motions and Hearings Manual with respect to what types of family law motions shall be presented to the Ex Parte and Probate Department.

**(5) Argument.** Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

**(A) Matters With Oral Argument.** Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument, on the assigned Ex Parte and Probate Calendar. The parties shall comply with the Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

**(B) Matters Without Oral Argument.** All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the Clerk's office. Parties must deliver or mail their paperwork to the Clerk's office directly. The Clerk's office will assess a processing fee. The processing fee must be paid or waived at the time of submission. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting their paperwork.

**(C) Matters Required to be Noted.** Matters required to be noted for hearing in the Ex Parte and Probate Department must be presented by the parties in person at the time of the noted hearing. Matters may not be noted in the Ex Parte and Probate Department for hearing without oral argument.

[Adopted effective January 1, 2009; amended effective September 1, 2009; September 1, 2010]

## LGR 15

### **(c) Sealing or Redacting Court Records.**

**(1) Motions to Destroy, Redact or Seal.** Motions to destroy, redact or seal all or part of a civil or domestic relations court record shall be presented, in accordance with GR 15 and GR 22, to the assigned judge or if there is no assigned judge, to ~~the Chief Civil Judge~~ the Seattle Chief Civil Judge for civil cases with a Seattle designation and to the Chief Judge in Kent for civil cases with a Kent designation, the Chief Unified Family Court Judge for family law cases with children, with the following exceptions.

**(A) Guardianship, Trusts and Probate and Trusts:** (Title 11) Motions may be presented to any regularly sitting (but not a pro tem) Ex Parte and Probate Commissioner.

**(B) Vulnerable Adult Protection Order:** (RCW 74.04) Motions may be presented to any regularly sitting (but not a pro tem) Ex Parte Commissioner.

**(C) Minor/Incapacitated Settlement:** The motion shall be presented to the judicial officer who approved the minor settlement unless the judicial officer who approved the minor settlement is a pro tem commissioner, in which case the motion shall be brought before the assigned judge or any regularly sitting Ex Parte and Probate Commissioner.

**(D) Name Changes Based on Domestic Violence:** If no assigned judge, motion may be presented by the requesting party to any regularly sitting (but not a pro tem) Ex Parte and Probate Commissioner.

**(E) Financial Source Documents, Personal Health Care Records and Confidential Reports in Title 26 Cases:** In a proceeding brought pursuant to RCW 26, "financial source document", "personal health care record" and "confidential report" as defined under and submitted in accordance with GR 22 will be automatically sealed by the clerk without court order, if accompanied by the proper cover sheet. See, also, LFLR 5(c) and LFLR 11 with respect to family law court records in general.

**(2) Orders to Destroy, Redact or Seal.** Any order containing a directive to destroy, redact or seal all or part of a court record must be clearly captioned as such and may not be combined with any other order; the clerk's office is directed to return any order that is not so captioned to the judicial officer signing it for further clarification. See also LCR 26(c), LCR 79 (d)(6), LFLR 5(c) and LFLR 11. The clerk is directed to not accept for filing and to return to the signing judicial officer any order that is in violation of this order.

### **(3) Motions to Seal/Redact Filed Contemporaneously with Confidential Document(s).**

(A) Contemporaneously with filing the motion to seal, the moving party shall provide the following as working copies:

(i) the original unredacted copy of the document(s) the party seeks to file under seal to the hearing judge in an envelope for in camera review. The words "SEALED PER COURT ORDER DATED [insert date]" shall be written on the unredacted document(s). The following information shall be written on the envelope: The case caption and cause number; a list of the document(s) under review; and the words "SEALED PER COURT ORDER DATED [insert date]."

(ii) a proposed redacted copy of the subject document(s).

(iii) a proposed order granting the motion to seal, with specific proposed findings setting forth the basis for sealing the document(s).

(B) If the hearing judge denies the motion to seal, the judge will file the original unredacted document(s) unsealed with an order denying the motion. The words "SEALED PER COURT ORDER FILED [insert date]" will be crossed out on the unredacted document(s).

(C) The unredacted document(s) shall not be filed electronically. If submitted through the Clerk's Working Copies Application, the unredacted document(s) will be placed, by the Clerk's Office, in an envelope as described above.

(D) If the hearing judge grants the motion to seal, in whole or in part, the judge will file the sealed document(s) contemporaneously with a separate order granting the motion. If the judge grants the motion by allowing redaction, the judge shall write the words "SEALED PER COURT ORDER DATED [insert date]" in the caption of the ~~redacted~~ unredacted document before filing.

**(e) *Motions to Unseal or Examine.*** See LCR 77(i)(11) with respect to motions to unseal or examine a sealed court record.

[Adopted effective September 1, 2008; amended effective January 1, 2009; January 1, 2009; September 1, 2009, September 1, 2010]



# LGR 30

## LGR 30 MANDATORY ELECTRONIC FILING

### (b) *Electronic Filing.*

**(5) Electronic Filing Is Mandatory.** Effective July 1, 2009, unless this rule provides otherwise, attorneys shall electronically file (e-file) all documents with the Clerk using the Clerk's ~~e-filing system~~ E-Filing Application or an electronic service provider that uses the Clerk's ~~e-filing system~~ E-Filing Application. Pro se parties are not required to e-file documents.

**(A) Documents That Shall Not Be E-Filed.** Exceptions to mandatory e-filing include the following documents:

- (i) Original wills and codicils, including new probate cases that include original wills or codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- (iii) Documents of foreign governments under official seal including foreign and out of state adoption documents;
- (iv) Documents presented for filing during a court hearing or trial;
- (v) Documents for filing in an Aggravated Murder case;
- ~~(vi)~~ Documents pertaining to cases filed prior to January 1, 2000;
- ~~(vii)~~ (vi) Administrative Law Review (ALR) Petitions;
- ~~(viii)~~ (vii) Interpleader or Surplus Funds Petitions; and
- ~~(ix)~~ (viii) Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15-;
- (ix) Affidavits for Writs of Garnishment and Writs of Execution;
- (x) Foreign (out of state) judgments;
- (xi) New cases or fee based documents filed with an Order in Forma Pauperis;
- (xii) Out of state custody and support registration petitions.

The above-excepted documents must be filed in paper form.

*Comment:* Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

**(B) Documents That May Be E-Filed.** The following documents may be e-filed:

- (i) Voluminous Documents—Voluminous documents of 4500 pages or more may be e-filed or filed in paper form.
- ~~(ii)~~ Summary Judgment Motions—Summary judgment motions and supporting documents may be e-filed or filed in paper form.
- ~~(ii)~~ (iii) Trial by Affidavit Motions – Motions set on the Trial by Affidavit Calendar and supporting documents may be e-filed or filed in paper form. If these documents are filed in paper form, the filing party shall place the words “Filed as Part of a Trial by Affidavit Motion” in the caption of all paper documents filed as part of this exception.
- ~~(iii)~~ (iv) Answers to Writs of Garnishment
- ~~(iv)~~ (v) Appeals of lower court decisions

**(C) Working Copies for E-Filed Documents.** Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's ~~e-filing system~~ E-Filing Application and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may assess a fee for the electronic delivery of working copies. Working copies must not be electronically submitted for the following documents:

- (i) Voluminous Documents—Judges' working copies of documents 4500 pages or more in length shall be submitted in paper form only. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.
- ~~(ii)~~ Summary Judgment Motions—Judges' working copies of summary judgment motions shall be submitted in paper form pursuant to LCR 7.
- ~~(ii)~~ (iii) Trial by Affidavit Motions – Working copies for motions heard on the Trial by Affidavit Calendar shall be submitted in paper form pursuant to LCR 7.

**(D) Waiver of the Requirement to E-File.** If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. The waiver may be for a specific case or for a specific period of time determined by the Clerk. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver.

**(E) Non-Compliance With This Rule.** If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code 4.71.100 for each paper document filed.

[Adopted effective June 1, 2009; amended effective September 1, 2010.]

## LFLR 5. WHERE TO SCHEDULE MOTIONS IN FAMILY LAW PROCEEDINGS.

**(a) Location of Courthouse (Case Assignment) and Courtrooms.** Except as otherwise ordered or directed, all proceedings filed under a case with a “UFK” or “KNT” designation shall be heard at the Maleng Regional Justice Center, 401 4<sup>th</sup> Ave. N. in Kent, and all proceedings filed under a “UFS” or “SEA” designation shall be heard at the King County Courthouse, 516 Third Avenue in Seattle. See LCR 82 as to the designation of case assignment areas. The Family Law Motions courtrooms in Kent are located at Room 1-G and in Seattle at Room W-291. Other courtroom numbers may be obtained from the King County Superior Court Clerk or by accessing <http://www.kingcounty.gov/courts/clerk>.

**(b) Where to Schedule Motions; General Rule.** Except as otherwise provided in these rules, contested pre-trial and post-trial motions in family law proceedings, including non-marital relationships involving parenting and/or the distribution of assets/liabilities, shall be heard on the Family Law Motions Calendar. See LFLR 6 for Family Law Motions Calendar Procedures. Agreed orders and orders to show cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk’s office.

**(c) Where to Schedule Specific Types of Motions; Exceptions to General Rule [LFLR 5(b)].** The following specific types of Family Law Motions are to be scheduled as follows:

**(1) Entry of Agreed and Default Final Decrees Parenting Plans and Custody**

**Orders:** Uncontested final Decrees of Marriage Dissolution, Legal Separation and Invalidity as well as all Final Parenting Plans or Residential Schedules and Final Dissolution of Domestic Partnership Orders shall be presented to the Ex Parte and Probate Department by noting the motion on the uncontested dissolution calendar on at least fourteen (14) days notice, provided that, the matter need not be noted for hearing when presented by an attorney of record, who as an officer of the court, has signed and filed a certificate of compliance in the form prescribed by the court. At least one party shall appear to provide oral testimony or formal proof with respect to entry of a final decree of dissolution, legal separation or invalidity unless a final parenting plan with respect to all dependent children of the relationship has already been entered or there are no dependent children of the relationship and the final proposed orders are presented by an attorney, in which case the final orders may presented through the Clerk’s Office pursuant to LR 40.1 and shall be accompanied by the certificate of compliance as well as a declaration under penalty of perjury signed by one of the parties within the last 30 days stating that the wife is not pregnant and there are no dependent children of the relationship. The declaration shall be in substantially the same form as set forth in Appendix 1 and shall be available online at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk). All final non-parental custody orders entered by agreement or default shall be presented on the uncontested dissolution calendar on at least 14 days notice, whether or not the parties are represented by counsel, provided that they may also be presented at the time of the Mandatory Case Review hearing (as set forth in the Case Schedule).

### APPENDIX I- Model Form Declaration in lieu of Formal Proof for Decree of Dissolution, Invalidity or Legal Separation

SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

In Re the Marriage of:

\_\_\_\_\_, NO.  
Petitioner,

And DECLARATION IN LIEU OF FORMAL PROOF  
\_\_\_\_\_,  
Respondent.

REQUEST: The [ ] petitioner [ ] respondent requests immediate entry of Findings of Fact, Conclusions of Law and Decree without the necessity of a personal appearance , and states:

RESIDENCE: Either the petitioner or respondent was a resident of the State of Washington or was a member of the Armed Forces and was stationed in the State of Washington when the petition was filed.

90 DAY WAITING PERIOD: If this is a dissolution of marriage, the marriage is now irretrievably broken and more than 90 days have elapsed since the later of \_\_\_\_\_,

20\_\_\_\_, the date on which the Petition was filed, and \_\_\_\_\_,

20\_\_\_\_, the date:

☐ the respondent signed an acceptance of service.

☐ the summons and petition were personally served upon the respondent.

☐ the summons and petition were mailed pursuant to an order for service by mail.

☐ the summons was first published pursuant to an order for service by publication.

DEFAULT: The respondent is \_\_\_\_\_ is not \_\_\_\_\_ in default.

MARRIAGE :The parties were married on \_\_\_\_\_ 20\_\_\_\_, at [city, state]

\_\_\_\_\_ and separated on \_\_\_\_\_, 20\_\_\_\_.

PREGNANCY: The wife is not now pregnant.

CHILDREN: The following children have been born to or adopted by either party:

Name	Date of Birth	Father of child	Mother of child
------	---------------	-----------------	-----------------

DEPENDENT CHILDREN: [SELECT ONE]:

☐ A final parenting plan has been entered for all dependent children of the marriage.

☐ There are no children under the age of 18 years of age born to or adopted by the wife or who are otherwise dependent upon the wife, or, all such children were born before the marriage and have not been adjudicated or acknowledged to be the husband's child.

PROPERTY: All property and all debts of the parties are fairly and completely divided in the Decree.

DEFAULT : If entry of the Decree is sought after default of the Respondent, the Decree provides for only that relief requested in the petition.

PERJURY : I declare under penalty of perjury under the laws of the State of Washington that this foregoing is true and correct.

Dated: \_\_\_\_\_, 20\_\_\_\_.

[Signed] \_\_\_\_\_ at \_\_\_\_\_, Washington

Presented by: [Signed] \_\_\_\_\_

Bar Number: \_\_\_\_\_

Approved, notice of presentation waived:

[Signed] \_\_\_\_\_

**(2) UFC Cases:** If a case has been accepted into Unified Family Court (UFC) for case management, motions shall be scheduled and heard in accordance with the Order upon acceptance to Unified Family Court. See LFLR 7.

**(3) Support Modification Calendar:** Pre-trial Motions related to the support modification calendar shall be brought as set forth in LFLR 14.

**(4) Motions to be scheduled before judges:** Motions scheduled before judges shall be brought using the timelines required by the applicable civil and local rules, including but not limited to CR 12, CR 56, and LCR 7. Unless otherwise required, motions scheduled before judges shall be heard on at least six (6) court days notice and without oral argument unless otherwise directed by the court. The following motions shall be scheduled before the assigned judge, or if no assigned judge, by the Chief Civil Judge or in family law cases involving children before the Chief Unified Family Court Judge:

(A) Motions to seal a file, even if agreed;

(B) Motions to change the trial date, or a deadline in the case schedule;

(C) Motions for summary judgment, except for summary judgment motions in paternity actions which shall be heard on the family law motions calendar;

(D) Motions to resolve which court shall exercise jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 26.27 RCW);

(E) Motions related to discovery. Motions to obtain discovery, such as to appoint an expert or to require an evaluation of a party, valuation of a business or property, or inspection of property, shall be scheduled on the family law motions calendar. Motions for a protective order, to compel a party to comply with a discovery request, or for sanctions related to discovery shall be scheduled before the assigned judge.

(F) Motions to Enforce a CR2A Agreement.

(G) Motions for Revision of a Commissioner's Order. See LCR 7(b)(7)(8).

**(5) Motions related to Trials and Appeals:** Presentation of final orders related to a trial, motions to reconsider or vacate a judgment or decree entered after trial, and motions relating to the appeal of a final order entered after a motion or a trial (including motions to waive fees for the appeal, to stay the underlying order), shall be noted before the trial judge. If a commissioner entered the final order that is appealed, such motions shall be noted before the Chief Civil Judge/RJC Judge or in family law cases involving children before the Chief Unified Family Court Judge. Motions in limine and trial motions shall be brought before the trial judge.

**(6) Motions to Vacate Orders.**

(A) An agreed order to vacate an order shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office, unless the effect of the order would be to reinstate a case that has been dismissed or where the trial date has passed, in which case the agreed order shall be presented pursuant to LR 60.

(B) An agreed order to vacate a Clerk's dismissal so that parties may enter final orders shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office.

(C) A motion to vacate an order signed by a judge shall be noted before that judge, unless the original order was entered by agreement or after a default, in which case the motion to vacate shall be noted before the Chief Civil/RJC Judge or in family law cases involving children before the Chief Unified Family Court Judge.

(D) A motion to vacate an order signed by a commissioner shall be noted on the family law motions calendar.

**(7) Change of Case Assignment Area or Consolidation of Cases:** A motion to change the case assignment area or consolidate two or more actions under one case schedule shall be brought before the Chief Civil Judge/RJC Judge or in family law cases involving children before the Chief Unified Family Court Judge provided that family law commissioners may consolidate a domestic violence protection order proceeding under a family law proceeding.

**(8) Motions for Reconsideration.** See LCR 59.

**(9) Motions for Default Orders and Default Judgments.**

(A) When notice is not required, motions for default orders and judgments shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. If notice to an opposing party is required (for example, when an appearance but no answer has been filed), motions for default orders and judgments shall be noted on the family law motions calendar in accordance with LFLR 6.

(B) Appearance by Responding Parties without Filing a Response. If a party has appeared in the proceeding, but not filed a Response to the Petition, any other party may move for an Order of Default on the Family Law Motion Calendar, to be presented without oral argument through the Clerk's office. Upon entry of the Order of Default, the evidence may be reviewed and a default judgment (including an order setting support) may be entered in the Ex Parte and Probate Department.

**(10) Orders Shortening Time.** Motions for Orders Shortening Time shall be heard in accordance with LR 7 except that the motion shall be heard by the same judicial officer or calendar that is assigned under these rules to hear the substantive motion.

**(11) Writs of Habeas Corpus.** Application for Writs of Habeas Corpus Relating to Minor Children shall be presented to and returnable to the senior judge of the Unified Family Court Department at the Regional Justice Center.

[Adopted effective September 1, 2004; amended effective September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010.]

# **RALJ Emergency changes already passed on September 8, 2009**

## **LCR 82. CASE ASSIGNMENT AREA**

### **(e) Location for Court Proceedings for Civil Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.**

**(1) Designation of Case Assignment Area.** Each case filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth at LCR 82(e)(8)] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (7), below. Civil cases filed prior to September 1, 1995 and criminal cases filed prior to June 1, 1996 are defaulted to the Seattle Case Assignment Area unless otherwise ordered by the Court.

**(2) Where Proceedings Held.** All proceedings of any nature shall be conducted at the Court facility in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

**(3) Boundaries of Case Assignment Areas.** For purposes of this rule King County shall be divided into case assignment areas as follows:

**(A) Seattle Case Assignment Area.** All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

**(B) Kent Case Assignment Area.** All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

**(C) Change of Area Boundaries.** The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

#### **(4) Standards for case assignment area designation, and revisions thereof.**

**(A) Location Designated by Party Filing Action.** Initial designations shall be made upon filing as follows:

**(i) Family Law, Paternity and Adoption Cases.** For adoption cases, the area where the petitioner(s) resides; for paternity cases, the area where the child resides; and for all other family law cases, the area where either the petitioner or respondent resides or if neither party resides in King County, in the Seattle case assignment area.

**(ii) Probate, Guardianship and Trust cases.** For probate cases, the area where the decedent principally resided or if the decedent did not reside in King County, the area in which any part of the estate may be; for guardianship cases, the area where the ward resides; and for trust cases, the area where the principal place of administration of the trust is located. If no principal residence or estate is located in King County, the action may be filed in either case assignment area. **(iii) Orders for Protection and Orders for Antiharassment.** For orders for protection or for antiharassment, the area where the petitioner resides unless the petitioner has left the residence or household to avoid abuse; in that case, in either the case assignment area of the previous or the new household or residence.

**(iv) Other Civil cases.** For civil cases involving personal injury or property damage, the area where the injury or damage occurred; for cases involving condemnation, quiet title, foreclosure, unlawful detainer or title to real property, the area where the property is located; for all other civil cases, including administrative law reviews, the area where a defendant or respondent resides, or if there is no defendant or respondent, or if defendant or respondent does not reside in King County, the area where the plaintiff or petitioner resides.

**(v) Appeals from Courts of Limited Jurisdiction, and Transcripts of Judgment.** For RALJ appeals, the Seattle case assignment area. For small claims appeals and transcripts of judgment, the case assignment area where the court of original jurisdiction is located. For cases subject to RALJ, the case assignment area in which the court of original jurisdiction is located.

**(vi) Transcripts of Judgment.** For transcripts of judgment, the case assignment area where the court of original jurisdiction is located.

**(vii) Small Claims Appeals.** For small claims appeals, the case assignment area where the court of original jurisdiction is located.

**(viii) Appeals from Department of Licensing Orders of Suspension.**

For appeals from Department of Licensing Orders of Suspension, the Seattle case assignment area.

**(vi) (ix) Actions filed pursuant to RCW 36.01.050.** For actions filed pursuant to RCW 36.01.050 (adjoining counties), either case assignment area.

**(vii) (x) Domestic Modifications and Support Adjustments.** Any Modification Petition or Motion for Support Adjustment in either domestic or paternity cases shall be accompanied by a new Case Assignment Designation form.

**(viii) (xi) Cases filed pursuant to Trust and Dispute Resolution Act, ch. 11.96A, RCW.** Seattle if the primary residence or estate of decedent was in the Seattle case assignment area; all other such cases shall be designated to Kent. If no principal residence or estate is located in King County, the action may be filed in either assignment area.

**(B) Improper Designation/Lack of Designation.** The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

**(C) Assignment or Transfer on Court's Motion.** The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

**(D) Motions By Party to Transfer.** Motions to transfer court proceedings from one case assignment area to another shall be made in writing as required by LCR 7; shall be ruled on by the Court without oral argument; and shall be noted for consideration no later than 14 days after the date for filing the Confirmation of Joinder of Parties, Claims, and Defenses in civil cases, as required in LCR 4.2(a), or the date for filing of the Confirmation of Issues in domestic cases, as required by LFLR 4(c). All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

**(E) Venue not affected.** This rule shall not affect whether venue is proper in any Superior Court facility in King County.

**(5) Where Pleadings and Documents Filed.** Pursuant to LGR 30, all pleadings and documents for any civil action in King County must be electronically filed with the Clerk using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form with the Clerk of the Superior Court at any court facility in any case assignment area in the county. Working copies of documents for the judge or commissioner must be submitted pursuant to the requirements of LCR 7(b).

**(6) Ex Parte Proceedings.** Proceedings in the Ex Parte Department shall be heard in the case assignment area of the case, except that ex parte matters which do not require court case file review may be heard in any court facility of King County Superior Court.

**(7) Inclusion of Case Assignment Area Code.** All pleadings and documents shall contain after the cause number the case assignment area code assigned by the Clerk (or the default case assignment area code pursuant to LCR 82(e)(1)) for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

**(8) Case Assignment Designation Form.** The Case Assignment Designation Form shall be in substantially the following form:

**Attachment to Case Indexing Cover Sheet**

**CASE ASSIGNMENT DESIGNATION**

I certify that this case meets the case assignment criteria, described in King County LCR 82(e), for the:

\_\_\_\_\_ Seattle Area, defined as

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

\_\_\_\_\_ Kent Area, defined as  
All of King County south of Interstate 90 except those areas included in the Seattle Case  
Assignment Area.

\_\_\_\_\_  
Signature of Petitioner/Plaintiff

\_\_\_\_\_  
Date

or

\_\_\_\_\_  
Signature of Attorney for  
Petitioner/Plaintiff

\_\_\_\_\_  
Date

\_\_\_\_\_  
WSBA Number

**(9) Jury Assignment Area.** See LGR 18. The rule provides for Seattle and Kent jury assignment areas, consisting of registered voters and licensed drivers and identicard holders residing in each jury assignment area.

[Effective September 1, 1995; amended effective September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2004, September 1, 2006, September 1, 2007; September 1, 2008; June 1, 2009; September 8, 2009.]

#### **LCrR 5.1 COMMENCEMENT OF ACTIONS; CASE ASSIGNMENT AREA**

**(d) Location for Court Proceedings for Criminal Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.**

**(1) Designation of Case Assignment Area.** Each criminal case filed in the Superior Court shall be accompanied by a designation of the Case Assignment Area.

**(2) Boundaries of Case Assignment Areas.** For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; the unincorporated areas of King County Sheriff's Precinct 4; and including all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

**(3) Standards for Case Assignment Area Designation, and Revisions Thereof.**

(A) Case Assignment Area Designated by Prosecuting Attorney. The indictment or information filed with the Clerk shall contain the Case Assignment Area designation of the case.

(B) Standard for Designation. Except as provided in Section (C) below, the Prosecuting Attorney shall assign the case to the Case Assignment Area where the offense is alleged to have been committed.

(C) Exceptions to Standard Designation.

(i) The Prosecuting Attorney may designate a case assignment area different than provided in (B) above:

a) Where the location of the offense within the county cannot be easily ascertained or the offense was committed in more than one area of the county;

b) Where multiple offenses charged were committed in more than one area of the county;

(ii) The following case categories shall be designated to the Seattle Case Assignment Area:

a) Fugitives from justice.



b) Appeals in criminal cases from ~~courts of limited jurisdiction~~  
District Courts.

c) Cases accepted into Drug Court.

(iii) When a defendant has an action pending, any new action filed against that defendant shall be assigned to the same case assignment area as the pending case.

(D) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action.

(E) Assignment or Transfer on Court's Motion. The Court on its own motion or on the motion of a party may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(F) Motions by Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing, with proper notice to all parties. Motions to transfer shall generally be heard prior to trial setting only. All cases shall proceed in the original case assignment area until an order of transfer is entered.

(G) Venue Not Affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(H) Pre-Filing Requests for Exceptions. The Prosecutor in advance of filing a particular case, for good cause shown, may apply ex parte to the Chief Criminal Judge for an exception to the normal case assignment area.

**(4) Where Pleadings and Documents Filed.** Pursuant to LGR 30, all pleadings and documents for any criminal action in King County must be electronically filed with the Clerk using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form with the Clerk of the Superior Court at the court facility in the case assignment area of the case. Service of documents on the Prosecuting Attorney and the defendant's attorney shall be made at the office of the Prosecutor and defense attorney located in the case assignment area of the case at the time of service.

**(5) Inclusion of Case Assignment Area Code.** All pleadings and documents shall contain after the cause number the case assignment area code. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

**(6) Jury Assignment Area.** See LGR 18. The rule provides for Seattle and Kent jury assignment areas, consisting of registered voters and licensed drivers and identicard holders residing in each jury assignment area.

[Adopted effective June 1, 1996; amended effective September 1, 2001; December 1, 2001; September 1, 2004; September 1, 2007; June 1, 2009; September 8, 2009]

## **KCLRALJ 2.6 CONTENT OF NOTICE OF APPEAL**

~~**(h) Failure to Include Information.** Failure to properly specify parties, claimed errors or other required information may result in the dismissal of the appeal or the imposition of terms. See RALJ 2.6~~

[Amended effective September 1, 1987; September 1, 1996; September 8, 2009.]

### **\*\*\*NEW RULE\*\*\***

#### **KCLRALJ 2.7**

**(a) Case Schedule.** The clerk shall issue a Case Scheduling Order and judge assignment upon the filing of a Notice of Appeal.

[Adopted effective September 8, 2009.]

## **KCLRALJ 3.1 HEARINGS MOTIONS**

~~(a) **RALJ Dismissal Calendar.** All motions to stay and/or continue RALJ hearings shall be set for the RALJ Dismissal Calendar via a note for the RALJ Calendar. Such note must be filed and served no later than five court days before the hearing on the motion.~~

~~(b) **Case Schedule.** The clerk shall issue a Case Scheduling Order upon the filing of a notice of appeal. **Motions.** Motions to continue, for stay, sanctions, dismissal, or for other relief shall be noted before the assigned judge in compliance with the requirements of LCR 7(b). If a party is seeking oral argument on a motion, the party shall direct a specific request to the assigned judge. Motions to consolidate two or more cases shall be noted before the Chief Criminal Judge, the Chief Civil Judge or the Chief Judge of the Maleng Regional Justice Center, in accordance with the case assignment area and case type of the appeal.~~

[Amended effective September 1, 1987; September 1, 1989; September 1, 1993, September 1, 1996; September 1, 2004; September 8, 2009.]

### KCLRALJ 3.2 CHANGE OF SUPERIOR COURT JUDGE

~~(e) **Affidavit of Prejudice.** The judge scheduled to hear the matter shall rule on affidavits of prejudice and order of transfer. CrR 8.9 shall apply to an affidavit of prejudice filed with the assigned judge.~~

[Amended effective September 1, 1987; September 1, 2001; September 8, 2009.]

### KCLRALJ 7.1 BRIEFS

~~(a) **Page limits.** The opening brief of the appellant or petitioner and the brief of the respondent may not exceed twenty-four pages. The reply brief may not exceed twelve pages.~~

~~(b) **Motion for overlength brief.** Any party seeking to file an overlength brief shall submit the request by motion for overlength brief shall be submitted to the assigned judge, assigned to hear the appeal (or if not yet assigned, to the judge assigned to the RALJ dismissal calendar) for decision without oral argument in conformance with the requirements of LR 7(b)(10).~~

[Adopted effective September 1, 2004; amended effective September 8, 2009.]

### KCLRALJ 8.3 TIME ALLOWED AND ORDER OF ARGUMENT

~~Each side shall be allowed ten minutes for oral argument. The first party to file a notice of appeal is entitled to open and conclude oral argument, unless otherwise ordered by the Court. A respondent who has not served and filed a brief seven days in advance of the scheduled hearing date will not be permitted to make oral argument.~~

~~Each of the parties shall deliver a working copy of its brief to the hearing Judge no later than noon of the day before the argument. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.~~

~~(a) **Waiver of argument.** See RALJ 8.4.~~

~~(b) **Conduct of hearing.** At the appeal hearing, the court will permit oral argument of ten minutes per side. The first party to file a notice of appeal is entitled to open and conclude oral argument, unless otherwise ordered by the Court. A respondent who has not served and filed a brief seven days in advance of the scheduled hearing date will not be permitted to make oral argument.~~

~~(c) **Courtesy copy of brief.** Each of the parties shall deliver a courtesy copy of its brief to the assigned Judge no later than five days before the argument. The courtesy copy of the brief shall be marked on the upper right corner of the first page with the date of the argument and the name of the judge.~~

[Amended effective September 1, 1987; June 1, 2009; September 8, 2009.]

## KCLRALJ 9.2 ENTRY OF DECISION

**(c) Court of Limited Jurisdiction.** The clerk of the Superior Court shall transmit a copy of the decision of the Superior Court on appeal to the court of limited jurisdiction rendering the decision that was the subject of the appeal and a copy to each party in the case within 30 days following the filing of the Superior Court decision.

**(d) Motion for Reconsideration.** All motions for reconsideration must comply with the procedure set forth in LCR 59.

[Amended effective September 1, 1987; September 1, 2001; September 8, 2009.]

## KCLRALJ 10.1 VIOLATION OF RULES GENERALLY

~~The Superior Court on its own initiative or Clerk's motion or on motion of a party may order a party or counsel who uses these rules for the purpose of delay or who fails to comply with these rules to pay terms of compensatory damages to any other party who has been harmed by the delay or the failure to comply. The Superior Court may condition a party's right to participate further in the appeal on compliance with the terms of a sanction order, including an order directing payment of an award by a party. If an award is not paid within the time specified by the Superior Court, the Superior Court shall direct the entry of a judgment in accordance with the award. See RALJ 10.1.~~

[Amended effective September 1, 1987; September 8, 2009.]

## KCLRALJ 10.2 DISMISSAL OF APPEAL

~~**(c) Dismissal on Clerk's Motion.** The Superior Court will, on motion of the Clerk of the Superior Court, dismiss an appeal of the case when the appellant fails to timely file a brief, with the Transcript by Appellant of the electronic recording of proceeding, or failure of the lower court to file a transcript of record. The Superior Court Clerk shall note the case on the dismissal calendar and issue notices of the dismissal hearing to counsel of record or to a person who is not represented by counsel at the addresses contained in the notice of appeal. A dismissal shall result in a remand of the matter to the originating court for the enforcement of judgment or imposition of sentence. See RALJ 10.2.~~

[Amended effective September 1, 1987; September 1, 1989; September 1, 2004; September 8, 2009.]

## KCLRALJ 12.1 MANDATE

**(a) Mandate Defined.** A "mandate" is the written notification by the Clerk of the Superior Court to the court of limited jurisdiction and to the parties of a Superior Court decision terminating review.

**(b) When Mandate Issued by Superior Court.** The Clerk of the Superior Court issues the mandate for a Superior Court decision terminating review upon written stipulation of the parties that no party will file a notice of appeal or notice of discretionary review to the Court of Appeals ~~will be filed~~. In the absence of that stipulation, the Clerk issues the mandate:

(1) 30 days after the clerk files the Superior Court decision is filed, unless any party has filed a notice of appeal or notice of request for discretionary review to the Court of Appeals or Supreme Court; or has been earlier filed.

(2) If a party has filed a notice of appeal or notice of request for discretionary review has been timely filed and denied by the Court of Appeals or Supreme Court has denied jurisdiction on the appeal or denied the request for discretionary review, upon receipt of the denial of the petition for review.

[Amended effective September 1, 1987; September 8, 2009.]